

REMARKS

In this Amendment, Applicant has cancelled Claims 8 – 26 without prejudice or disclaimer, and amended Claims 1 – 7 to overcome the rejections and further specify the embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

OATH/DECLARATION:

A substitute declaration with residence address for inventor Stephan Christgau will be submitted in due course.

SPECIFICATION OBJECTION:

The specification has been objected as containing informalities.

It is submitted that specification has been amended to correct the informalities. More specifically, the various section titles have been added according to the Examiner's suggestion.

Therefore, the objection to specification has been overcome and withdrawal of objection is respectfully requested.

CLAIM OBJECTION:

Claims 2 – 3, 5 and 9 have been objected as containing certain informalities.

It is respectfully submitted that the Claims 2 – 3, 5 and 9 have been amended to correct the informalities. More specifically, Claims 2 – 3 has been amended to delete the

term "said aromatic amino acid residue." Due to amendment to Claim 1, it is not necessary to amend the term "a specific protein." Similarly, Claim 5 has been amended to delete the term "of which the detected nitrated amino acid sequence is detected." Claim 9 has been cancelled and relevant features have been incorporated into Claim 1, wherein SEQ ID NO: 6 has been corrected to SEQ ID NO: 1, and the sentence structure has been rearranged to clearly define the amino acid sequence.

Therefore, the objection to claims has been overcome and withdrawal of objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112 FIRST PARAGRAPH:

Claims 1 – 9 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement and enablement requirement.

It is respectfully submitted that the rejections have been overcome by this amendment. More specifically, Claims 8 – 9 have been cancelled. The rejection to these claims is moot. In addition, Claims 1 – 7 have been amended to define the present invention that is sufficiently supported and enabled by the specification. For example, Claim 1 has been amended to define an amino acid sequence in a free fragment form comprising sequence HRGYPGLDG (SEQ ID NO: 1) in which the amino acid residue Y is nitrated tyrosine; or an amino acid sequence in a free fragment form comprising sequence HRGYPGLDG (SEQ ID NO: 1) and a nitrated tyrosine. These features are sufficiently described in the specification that enables a person of ordinary skill in the art to practice the invention.

Therefore, the rejection under 35 U.S.C. § 112, first paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:

Claims 1 – 9 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the rejections have been overcome by this amendment. More specifically, Claims 8 – 9 have been cancelled. The rejection to these claims is moot. In addition, Claims 3 – 5 have been amended to replace the term “characteristic of” with the term “specific to and uniquely identified with” that is clear to a person of ordinary skill in the art.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1 – 5 and 8 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Ter Steege et al. (“Nitrotyrosine in Plasma of Celiac Disease Patients as Detected by a New Sandwich ELISA”, Free Radical Biology & Medicine (1998), vol. 25, pages 953-963), hereinafter Ter Steege. Claim 6 has been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Ter Steege in light of de Vries et al. (“Specific localization of IgG isolated from inflamed synovial tissue”, Agents and Actions vol. 19, (1986), pages 5 – 6). Claims 1 – 5 and 8 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Mikotor et al. (WO 01/84160). Claims 1 and 5 – 7 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Paik et al. (Connective Tissue Research, vol. 42, pages 11 – 122, October 2001).

Applicant traverses the rejection and respectfully submits that the presently claimed invention is not anticipated by the cited reference. More specifically, Claims 8 – 9 have been cancelled. The rejection to these claims is moot. In addition, Claims 1 – 7

have been amended to clearly define the embodiments of the present invention and include features not disclosed or suggested by the cited references. For example, none of the cited reference teaches or suggests a method for performing a qualitative or quantitative assay for protein oxidation, comprising detecting, in a sample, an amino acid sequence in a free fragment form comprising sequence HRGYPGLDG (SEQ ID NO: 1) in which the amino acid residue Y is nitrated tyrosine; or an amino acid sequence in a free fragment form comprising sequence HRGYPGLDG (SEQ ID NO: 1) and a nitrated tyrosine.

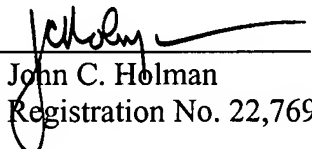
Therefore, the newly presented claims are not anticipated by the cited references and the rejection under 35 U.S.C. § 102 (b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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